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UNITED STATES OF AMERICA
SOUTHERN DISTRICT OF CALIFORNIA

FILED
2008 JUL 21 AM 10:07
CLERK US DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
DEPUTY

'08 MJ 2200

UNITED STATES OF AMERICA)	**Magistrate's Case No.**
V.S.)	COMPLAINT FOR VIOLATION OF:
Jose Guadalupe-Magdaleno)	21 U.S.C. 952 and 960-Importation of a Controlled Substance.

The complainant being duly sworn states:

That on or about July 18, 2008, within the Southern District of California, defendant Jose Guadalupe-MAGDALENO did knowingly and intentionally import approximately 3.69 pounds (1.68 Kgs) of methamphetamine, a Schedule II Controlled Substance, into the United States from a place outside thereof; in violation of Title 21, United States Code, Sections 952 and 960.

And the complainant states that this complaint is based on the attached Statement of Facts incorporated herein by reference.

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 21ST DAY OF JULY, 2008.

Thomas Hudak
Special Agent
U.S. Immigration & Customs Enforcement

United States Magistrate Judge
Southern District of California

G-J~

PROBABLE CAUSE STATEMENT

I, Special Agent Thomas Hudak, declare under penalty perjury, the following is true and correct:

On July 18, 2008, at approximately 10:35 p.m., Customs and Border Protection (CBP) Officer Michael Hume was assigned to vehicle primary inspection duties on lane number 6 at the Otay Mesa Port of Entry, when a black 2000 GMC Yukon entered the inspection area. Officer Hume observed and noted the vehicle was identified with Kansas license plate (KSUS) XAV877 and was occupied by one male. Officer Hume identified Jose Guadalupe-MAGDALENO as the driver of the vehicle. Guadalupe-MAGDALENO stated that he was crossing into the United States to go to Banning, California. Officer Hume received two negative Customs declarations from Guadalupe-MAGDALENO. Guadalupe-MAGDALENO stated that the vehicle belonged to a friend. Guadalupe-MAGDALENO stated that he went to Mexico to purchase seatback televisions that were subsequently installed in the driver and passenger seats. Officer Hume asked Guadalupe-MAGDALENO why the owner of the vehicle wasn't driving and Guadalupe-MAGDALENO stated that he made the trip as a favor to his friend. Officer Hume noted that the trip from Banning, California to Mexico was lengthy coupled with the out of state license plates was unusual.

Assistance was requested for CBP Canine Enforcement Officer (CEO) Mark Schneider with his assigned Narcotics Detection Dog, "Tygo", to conduct a screening of the vehicle. CEO Schneider observed and noted the Narcotics Detection Dog to "alert" to the odor of narcotics near the rear seats of the vehicle.

CBP Officer George Moreno conducted a cursory inspection of the vehicle and discovered a hole in the floor compartment that contained a package wrapped in black electrical tape. A presumptive test of one of the packages produced a position reaction to the presence of methamphetamine. Subsequent border search of the vehicle revealed six packages containing 3.69 pounds (1.68 kgs) of methamphetamine from a compartment underneath the rear seat of the vehicle.

After being advised of his right to remain silent, Guadalupe-MAGDALENO claimed no knowledge of the presence of methamphetamine in the vehicle. Guadalupe-MAGDALENO stated that he was going to drive the vehicle equipped with new seatback televisions back to his residence in Banning, California. Guadalupe-MAGDALENO stated that his friend was supposed to pick up the vehicle subsequently thereafter. Guadalupe-MAGDALENO was arrested and charged with the unlawful importation of a controlled substance and possession of controlled substance with the intent to distribute, in violation of Title 21, United States Code, Section 952, 960. Guadalupe-MAGDALENO was administratively processed and transported to the Metropolitan Correction Center in San Diego, California.

Executed on July 19, 2008, at 9:35 a.m./p.m.

Special Agent Thomas Hudak

On the basis of the facts presented in the probable cause statement consisting of 2 pages, I find probable cause to believe that the defendant(s) named in this probable cause statement committed the offense on 7/18/08, in violation of Title 21, United States Code, Section(s) 952, 960.

United States Magistrate Judge

7/19/08 - 210 PM
Date/Time

In the future
Next time please put the probable cause statement AND the signature on the SAME page AND fill in the blanks except for my signature and the date/time